

DISCUSSION

In the art of designing face-mask protection products, the materials' shape and physical properties together singularly determine the product's overall function of effectively securing the mask to protect the wearer's face against weather and wind conditions with minimal discomfort.

As to material properties, the Wilcox (U.S. 891,122) discloses and claims the need for 2 different material fabrics, distinguishing them as "flexible/pliable" material, and an "elastic" material. The material for its "body piece" is "pliable" (p.1 , 32), such as soft leather, for the purpose and function of permitting the construction of a loosely covering triangular piece/flap covering the nose (p.1, Ins. 52 - 61). The other material is for a multiplicity of fastening straps that are "elastic", composed wholly of rubber for the purpose of adapting them for automatic adjustment for heads of varying sizes (p.1, Ins. 48-51 & Ins. 89-93).

Wilcox is emphatically concerned with, and achieves, securing its entire face-protector product to the wearer by the using the wearer's nose as the central anchoring point, where it claims "... said nose piece serving to hold the body piece from moving about on the face of the wearer" (p. 2, Ins. 3-5). Wilcox teaches the selection of shape and materials to effectively secure the product from and by the wearers nose, and fails to evoke thought on how to readily secure the product from reactivity any other parts of the body, or even its own components or their materials.

And by itself the Wilcox product admittedly fails from its underside to provide any protection from common environment elements, where it instructs that it must be

“tucked into the coat so as to effectively keep out the wind and cold air.” (p. 1, Ins. 79-80).

By contrast, the Colletti-Rauth invention is meticulously contoured in an overall triangular Vee shape that allows it to secure with only one material, and that material's elastic properties. The product achieves its stability not from the nose, but rather its 'three-point' anchoring design. The mask applies pressure at points along the forehead, underside of the jawbone, and base of the skull, all being strategically selected points where the mask applies its greatest compression and being where the user has the least sensitive and pliable flesh. The shape's co-acting triangular array of pressure points and material elasticity achieves the great advantage of comfortably and snugly protecting its borders, hence providing effective protection from cold and wind conditions.

Colletti-Rauth entirely circumvents using the wearer's nose as an anchoring point, to avoid the nose's delicate and supple nature. Face-protectors using the nose as an anchoring point tend to the wearer's discomfort from the forces on the nose exerted by the mask, as well as by the mask's tendency to shift upward, downward and/or side-to-side about the nose by way of the lack of stability produced from nose tissue's pliant nature.

The product of Edwards (U.S. 4,300,240) is similar to Colletti-Rauth, only by being composed of 1 elastic material. Yet Edwards differs vastly in shape, material property selection and function - far from achieving Colletti-Rauth's comfortable, snug and singularly supported, whole-face mask.

Edwards is expressly directed to integrate with present day apparel such as hats and goggles (col. 1, Ins. 29-31; col. 4, In. 33; col. 5, In. 4). Like Wilcox, to the extent that the Edwards product can support or secure itself at all, it is entirely achieved by anchoring the product about the wearer's nose (col. 1, Ins. 62 -67).

Edwards' function is limited by necessarily having to coordinate with other apparel to achieve a secure protective fit (col. 1, Ins. 21-22). To fully cover the face, it teaches and indeed requires that a head covering such as a hat must be used extend downward to cover the user's forehead (col. 5, Ins. 15-19), and to be held in place, it necessarily requires that goggles to be worn, with the lower rim of the goggles over the upper edge of the mask (col. 5, Ins. 2-5).

By contrast, the Colletti and Rauth invention utilizes approximately thirty-five (35%) more material than Edwards, spanned to cover and protect the upper cheeks, temples and forehead, and critically functioning to support the entire upper edge of the face-mask along the typical scalp hairline to alleviate pressure off the nose. While providing a figure-8 aperture for the eyes, this configuration obviates the need for goggles or other apparel to secure the mask or cover the entire face. If a user did optionally choose to wear eye goggles, with the Colletti-Rauth invention the goggle's rim would rest entirely on the face-mask and not on the users skin at all, thus entirely eliminating heat conducted from the users skin to the goggle lens, and entirely reducing the potential for condensation fogging the lens.

The presumed combined device of Wilcox and Edwards is incapable of functioning with what Colletti -auth has achieved – a self-secured whole-face protector arrayed to function without stability from the wearer's nose.

With the applied-for invention designed beyond the disclosure, claims and teachings of said prior cited patents, it is hereby respectfully submitted to be eligible for letters patent.

And farther from the area under discussion, is another voluntarily disclosed "protective mask with scarf" patent by Edwards-Carey (U.S. 5,214,804) that issued after Wilcox '122 and Edwards '240 *supra*.

Edwards-Carey '804 follows the direction of Edwards '240 *supra*, by requiring that it find support from the nose (col. 3, Ins. 1-3; col. 5, Ins. 14-15); and need other apparel, such as a hat or cap resting above to cover, to cover the forehead (col. 6, Ins. 13-15); and fit securely with assistance from goggles (Col. 5, Ins. 57-63).

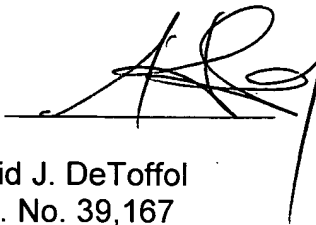
What is more, its material selection reverts in the direction of Wilcox '122 by teaching and requiring 2 materials having different properties (col. 5, Ins. 23-27 & 33-35; col. 6, Ins. 60-62) to accomplish insulation and wetness protection (col. 3, Ins. 14-17), thus teaching away from material shape and property co-activity where Colletti-Rauth establish a comfortable self-supporting whole-face protection by virtue of the snug perimeters it achieves.

CONCLUSION

It is believed that these remarks clarify and distinguish the invention and place this case in condition for allowance, and notice to that effect is earnestly solicited. If, however, the Examiner finds this case not to be condition for allowance or has any questions regarding this matter, the Examiner is requested to telephone applicants attorney at the number listed below prior to issuing a further office action.

Dated: August 22, 2006

Respectfully Submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail, in an envelope addressed to: Commissioner of Patents, PO Box 1450, Alexandria VA 22313-1450.

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